

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP D. HATTEN,

Defendant.

4:11-CR-3088

ORDER

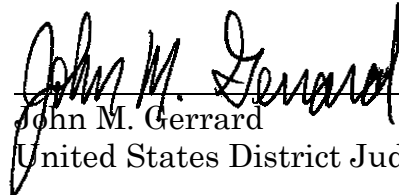
The defendant has filed a pro se motion (filing [45](#)) seeking relief under [18 U.S.C. § 3582\(c\)](#). The Court will construe the defendant's motion as one for relief under § 3582(c)(2)¹ and U.S.S.G. Amend. 782.

IT IS ORDERED:

1. The defendant's pro se motion (filing [45](#)) will be held in abeyance pursuant to [General Order No. 2014-09](#).
2. The Clerk of the Court shall provide the defendant with a copy of this order.
3. The Clerk of the Court shall also give notice of the entry of this order to the United States Attorney, the Federal Public Defender, and to the Supervisory United States Probation Officer who handles presentence reports.

Dated this 26th day of November, 2014.

BY THE COURT:



John M. Gerrard
United States District Judge

¹ The defendant generally references the Court's authority to reduce a sentence under § 3582(c), without reference to the recent amendment to the Sentencing Guidelines. To the extent that the defendant is seeking to invoke § 3582(c)(1), or is otherwise requesting a reduction of his sentence, his motion is denied. Section 3582(c)(1) requires a motion from the Director of the Bureau of Prisons. And, generally speaking, in the absence of some other statutory authorization, the Court cannot modify or change the defendant's sentence. *United States v. Thompson*, 714 F.3d 946, 948 (6th Cir. 2013); *see also*, *United States v. Liberse*, 688 F.3d 1198, 1201 (11th Cir. 2012); *United States v. Davis*, 682 F.3d 596, 609 (7th Cir. 2012).